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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,729

12/14/2005

Per Nissen

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3753

29540 7590 03/26/2007  
DAY PITNEY LLP  
7 TIMES SQUARE  
NEW YORK, NY 10036-7311

EXAMINER

HUYNH, LOUIS K

ART UNIT

PAPER NUMBER

3721

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/560,729	<b>Applicant(s)</b> NISSEN, PER	
	<b>Examiner</b> Louis K. Huynh	<b>Art Unit</b> 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/14/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:
  - The abstract should be provided on a separate sheet.
  - The specification should be provided with proper headings in according with current U.S. practice.
  - The relationship between the present application and the PCT/DK04/00438 should also be stated on the first paragraph in the specification.
2. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors, for example:

- Claim 1, line 2: “preferably made of plastics” is indefinite because it is unclear whether or not the film is actually made of plastics.
- Claim 1, line 4: “following which” renders the claim indefinite because it is unclear as to what “which” is: a piece of the film, or a first free end, or a number of wrinkle-shaped folds, or something else.

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- Claim 1, line 4: “welding of the film transversally” is vague and indefinite for it is unclear as to where exactly the film is transversally welded.
- Claim 1, line 5: “cutting it off” is indefinite because it is unclear as to “it” is.
- Claim 1, lines 6, 9: similarly “following which” renders the claim indefinite because it is unclear as to what “which” is.
- Claim 2, line 2: “preferably” renders the claim indefinite because it is unclear whether or not the limitation following the phrase is actually a part of the claimed invention.
- Claim 2, lines 13, 16: “following which” renders the claim indefinite because it is unclear as to what “which” is.
- Claim 2, line 18: “during which movement” is indefinite because it is unclear as to what “movement” applicant is referring: “the film being secured by the seizer elements” or “the film being moved from the holder device” or the film being moved across the dispenser device”.
- Claim 2, lines 22, 24: similarly “following which” renders the claim indefinite because it is unclear as to what “which” is.
- Claim 2, line 26: “and on in such a manner” is confusing;
- Claim 3, line 1: “is intended for” renders the claim indefinite because it is unclear whether the method is actually packaging the compressible objects.
- Claim 3, line 3: “pulled of” is not understood.
- Claim 4, line 5: “the holder means” lacks proper antecedent basis.
- Claim 6, line 3: “preferably” renders the claim indefinite because it is unclear whether or not the limitation following the phrase is actually a part of the claimed invention.

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- Claims 7-11 are indefinite for not being proper, the claim is directed to an apparatus that depends on a method claim, thus it is unclear as to whether claim 7 is a method claim or an apparatus claim. Applicant is respectfully requested to rewrite claim 7 as an independent claim if claiming an apparatus.
- Claim 7, line 12: "gradually on in such a manner" is not understood.
- Claim 10, line 2: "the holder means" lacks proper antecedent basis.
- Claim 11, line 3: "the holder means" lacks proper antecedent basis.
- Claim 11, lines 4-5: "wherein the system is configured ... to the holder means" is indefinite because no device for continuously shaping and welding the film being set forth; etc.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 & 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Lachenmeier et al. (US 6,298,636).

- With respect to claim 1, Lachenmeier discloses a method for packaging objects (1) in tubular film (8) that meets all of applicant's claimed subject matter; in particular, the method comprises the steps of: seizing a free end of the tubular film (8) (col. 3, lines 59-60), forming a plurality of folds by gathering the tubular film (8) on holding device (103) (col. 3, lines 60-63), cutting transversely welding the tubular film (8)

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between the plurality of folds and a remaining of the tubular film (8) to form a bag (20) (col. 3, lines 63-67), transferring the bag (20) to a dispensing device (16) (col. 4, lines 13-16), returning the holding device (103) for seizing and holding a next portion of the remaining film (1) and forming a subsequence bag (col. 4, lines 32-35), and moving the object (1) toward the bag (20) while the dispenser device is moving toward the object (1) to pull the bag (20) over the object (1) (col. 5, lines 65-67).

- With respect to claim 6, the method of Lachenmeier further includes the step of closing the bag (20) after the bag has completely cover the objects (1) (col. 4, lines 53-56).

#### ***Allowable Subject Matter***

5. Claims 2-5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. Claims 7-11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

#### ***Conclusion***

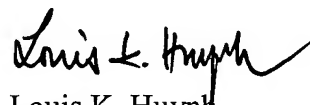
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure has been cited on form PTO-892 along with the applied references.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 8:00AM to 3:00PM.

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9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Louis K. Huynh  
Primary Examiner  
Art Unit 3721

March 19, 2007